

Neighborhood Planning for Community Revitalization

Billboards in Our Community

A CONSORTIUM PROJECT OF: Augsburg College; College of St. Catherine; Hamline University; Higher Education Consortium for Urban Affairs; Macalester College; Metropolitan State University; Minneapolis Community College; Minneapolis Neighborhood Revitalization Program; University of Minnesota (Center for Urban and Regional Affairs; Children, Youth and Family Consortium; Minnesota Extension Service); University of St. Thomas; and Minneapolis community and neighborhood representatives.

CURA RESOURCE COLLECTION

**Center for Urban and Regional Affairs
University of Minnesota
330 Humphrey Center**



Billboards in Our Community

**Prepared by
Crista Gardner**

**Undergraduate Research Assistant, Macalester College
Conducted on behalf of the District Five Planning Council
January 1999**

*This report [NPCR 1118] is also available at the following internet
address: <http://freenet.msp.mn.us/org/npcr>*

January 1999

Neighborhood Planning for Community Revitalization

(NPCR) supported the work of the author of this report but has not reviewed it for publication. The content is solely the responsibility of the author and is not necessarily endorsed by NPCR.

NPCR is coordinated by the Center for Urban and Regional Affairs at the University of Minnesota. NPCR is supported by grants from the US Department of Education Urban Community Service Program, The McKnight Foundation and The Minneapolis Foundation. St. Paul projects are funded in part by St. Paul Local Initiatives Support Corporation (LISC), The St. Paul Foundation, and St. Paul Companies.

Neighborhood Planning for Community Revitalization

330 Hubert H. Humphrey Center

301 - 19th Avenue South

Minneapolis, MN 55455

phone: 612/625-1020

e-mail: npcr@freenet.msp.mn.us

website: <http://freenet.msp.mn.us/org/npcr>

Index

1- Introduction

1- Background

- Basic sign definitions (1)
- Outdoor advertising (2)
- Why regulate the use of billboards? (2)
- Legality issues (2-4)
- Other communities in Minnesota (4-5)

5- Regulation of billboards in St. Paul

- Legislative advisory recommendations
- Local opinion

6- Local options

9- More intensive sign regulation options

10- Recommendations for District Five

Executive Summary

The purpose of this paper is to examine and evaluate the advantages, concerns, and problems associated with designing a *special sign district* and writing an appropriate sign ordinance. Although this paper was meant for the study of billboard regulation in the Payne-Phalen neighborhood in Saint Paul, Minnesota, it contains information relevant to other small communities and cities contemplating sign regulation. The paper includes a background of sign law history, basic definitions, and issues of legality. It also encompasses the regulation of billboards in Saint Paul and surrounding areas as well as local options for billboard regulation. The paper then overviews more intensive sign regulation choices and produces in depth recommendations for the Payne-Phalen community.

Background

- Regulation of billboards began with the introduction of the Highway Beautification Act of 1965 by President Johnson. Since then, additional laws have been passed granting the states more control over billboard regulation.
- Billboards are broadly defined as *off-premise, advertising signs* and a distinction is made between *commercial* and *non-commercial* signs.
- Sign regulation brings forth a multitude of legal issues. Signs are a form of communication and, as such, are protected under the First Amendment. Signs are also protected from uncompensated takings by the Fifth Amendment.

The Regulation of Billboards in St. Paul

- A legislative advisory committee for the City Council has recommended that no additional billboards be allowed and that new billboards be permitted to replace billboards that have been removed at a ratio of one foot to three feet removed.
- Many communities around Saint Paul/Minneapolis have adopted sign regulation, including Brooklyn Park, Burnsville, Coon Rapids, Eagan, and Hopkins.
- Three options for communities considering billboards have emerged: to allow the presence and erection of billboards; to allow present billboards to remain, but prohibit the erection of new billboards; or to amortize present billboards on city roads and prohibit new construction.

Intensive Sign Regulation Options

- Grand Avenue, Smith Avenue, and Highland Village have enacted over-reaching regulations as *special sign districts*. Some of those regulations include the prohibition of advertising signs and business signs that include advertisements and restriction of height, size, lettering type, and color.

Recommendations for District Five

- No advertising signs, no roof signs (with exceptions), no projecting signs that block the view of a wall sign will be permitted. Height and size restrictions will be implemented on pole signs, window signs, and wall signs. Lettering on the signs should not exceed 40 percent of the sign.

Billboards In Our Community

The purpose of this paper is to examine and evaluate the advantages, concerns, and problems associated with designing a *special sign district* and writing an appropriate ordinance in general and specifically for the Payne-Phalen neighborhood. Within the last few years the issue of sign, and especially billboard, regulation has gained ever more attention. Billboards are now being regulated in more communities, making their value greater in accordance with the supply and demand economy. Activists called billboard commandos work in the middle of the night to liberate billboards across the country from their commercial message.¹ And several companies such as Altoids and Chick-A-Fil have launched huge and successful eye-catching billboard advertising campaigns. Within the last few years many communities have made substantial steps toward stricter sign regulation. Baltimore, Maryland has effectively banned tobacco and alcohol billboards in areas frequented by children. Chicago, Los Angeles, and numerous smaller communities have reconsidered their sign regulation during the 1990's. Sign regulation is a question of urban design, community well being, and traffic safety.

Background

History of Sign Regulation:

The Highway Beautification Act of

1965 controls advertising along 306,000 miles of Federal-Aid Primary, Interstate and the National Highway System roads and was signed into law by President Johnson on October 22, 1965. The Act was enacted in an attempt to control commercial signs and protect scenic views from the highway. However, it does still allow for the location of billboards in commercial and industrial areas. Additionally it mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings in accordance with the Fifth Amendment to the Constitution. States have the right to enact stricter regulations, but they are penalized by a 10% reduction in their highway funding if they do not comply with the HBA.

The 1995 Scenic Byways Amendment of the HBA, signed into law by President Clinton on November 28, 1995, gave states the ability to determine if roads designated by the state or federal governments as scenic byways fit the state's definition of a scenic byways. The erection of new billboards in certain areas along state or federal designated scenic byways was allowed so long as their construction met the state's reasonable criteria.

Additionally, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) made federal funds

available for billboard removal and control according to the state's discretion. These funding programs include the National Highway System and Interstate System Funds. Other programs include the Surface Transportation Program, Transportation Enhancement Activities Funds, and the Interim and National Scenic Byways Funds.

Basic Sign Definitions

Most sign regulations are drafted to allow certain signs and prohibit all others. In order to make those allowances, it is necessary to be familiar with specific sign definitions. Billboards are included in the broad topic of *off-premise, advertising signs*. A distinction is also often made between *commercial* and *non-commercial* signs. Billboards can be non-commercial, commercial or sometimes both depending upon the content of the sign. Many billboard companies donate spaces on their boards for non-commercial humanitarian messages as a good will gesture to the communities in which the billboards stand. Billboards differ from business signs, which are considered *on-premise* signs and mark the business on the property. In addition, billboard companies refer to three types of billboards:

1. *Bulletins* are the largest at 14 by 48 feet plus extensions.
2. *30-Sheet Poster Panels* are 12 by 25 feet and are usually lithographed or silk-screened.

3. *Eight Sheets* are the smallest billboards with the dimensions of 6 by 12 feet.

The discussion of billboards also often includes *out of home media*. These smaller advertisements adorn bus shelters, bus exteriors, commuter rail, station platforms, and underground stations.

Outdoor Advertising

Many companies use billboards and other outdoor advertisements. Billboard revenues in 1997 totaled \$2.135 billion, and including out of home revenues, the total amounts to \$4.047 billion.² Outdoor advertising is inexpensive and a prime way for companies to reach a targeted audience. In addition, billboards can contribute to increased commercial activity and vibrant, colorful streetscapes.

To reach 1,000 people an 8-sheet poster costs \$.77 for 30 days. A 30-sheet poster costs \$1.60 and a rotary bulletin costs \$3.50. In comparison, radio costs \$5.30 for a 60-second drive time and a television advertisement during prime time costs \$9.90 for 30-seconds on the network. Entertainment and amusements, business and consumer services, tobacco, retail, travel hotels and resorts are the five most common billboard advertisers. Beer and wine are now number ten and tobacco has its lowest spending on billboards since the 1970's, and the tobacco



A non-commercial message adorns this billboard above a mural.

settlements of 1998 of Minnesota and Texas forbid tobacco billboards in those states. New computer generated signs have also made outdoor advertising appealing to the fashion and perfume industries.

Companies such as Altoids were trying to reach an elusive audience: the young active population. As an executive from Warner Bros. once said, "You can immediately penetrate an entire market with it (billboards advertising). There's no way to avoid it if you do a large enough showing."³ All six television broadcast networks use some sort of outdoor advertising, and Warner Bros. decided to use outdoor advertising exclusively for its children's television programs. Companies like Chick-A-Fil, which has a lower budget than other fast food restaurant chains, decided to use billboards because of their low cost.

Why regulate the use of Billboards?

"Pollution is not limited to the air we breathe and the water we drink; it can equally offend the eye and ear." (Supreme Court.)⁴

Edward McMahon writes in the *Planning Commissioners Journal*⁵ that billboards are a type of pollution. Billboards are located often in low income, black and Hispanic neighborhoods. They lower property values and are associated with graffiti, trash, and junk cars. Billboards can not be turned off or avoided, and they are the medium of choice for tobacco and alcohol, especially in low-income areas. Billboards distract the viewers' eyes from business signs. When billboards are not properly maintained, they give the appearance of a declining commercial district.

Legality Issues

Sign regulation brings forth a multitude of Constitutional issues. Since signs are a form of communication,

they are protected under the first amendment of the Constitution. Furthermore, signs are property and are thereby protected by the Fifth Amendment from uncompensated "takings." Communities attempting to regulate the use, location, height, messages portrayed, size, and design of signs has faced litigation in both the state and federal courts. More than other zoning laws, sign law varies from state to state. Communities wishing to regulate signs should consult with their local government attorney over the feasibility of their plan. Nonetheless, courts on two accounts have upheld sign regulation: traffic safety and aesthetic regulation.

Traffic Safety

Outdoor signage intends to divert a driver's attention from the road and other traffic. Therefore, a city or community is not required to bring forth evidence that sign regulation aids in its interest in traffic safety. The precedent for this is *Metromedia, Inc. V. City of San Diego*, (1981).⁶ Although San Diego's ordinance was ultimately struck down, in their closing argument the High Court indicated that concern over traffic safety was a valid reason for a community to regulate signs.

Aesthetic Goals

The courts have also upheld communities' right to regulate signs according to their aesthetic effect. However, several criteria must be met. When the

community's goals are aesthetic in nature, then the community should be ready to produce evidence between the means it uses and end result. In other words, a sign regulation must be able to produce results to beautify a neighborhood, community, or city. A billboard company can easily point to other eye-sores in a neighborhood and claim that it is being unfairly and arbitrarily targeted. The four part test used by the Supreme Court, and established in *Central Hudson v. Public Service*, (1980)⁷, to determine the Constitutionality of regulating commercial speech states:

1. The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading,
2. The regulation seeks to implement a substantial governmental interest,
3. The regulation directly advances that interest, and
4. The regulation reaches no farther than necessary to accomplish the given objective.⁸

The Supreme Court found aesthetic reasoning an appropriate end for sign regulation in *Members of City Council v. Taxpayers for Vincent*, (1984).⁹ The Los Angeles City Council had banned signs attached to utility poles to which a candidate for political office, who had placed signs on utility poles, objected. The Court found the Los Angeles ordinance valid and neutral since it did not

regulate speech in a way that favored some ideas at the expense of others.

Cities gained an additional boost with the Court's decision in *Board of Trustees of the State University of New York v. Fox*, (1989).¹⁰ The question addressed was whether government had to prove that it had not regulated more extensively than necessary, according to the fourth premise of *Central Hudson*. The Court ruled that the means must not necessarily be the best or least restrictive to achieve the community's goals as long as they were "proportionate to the interest sought to be advanced."¹¹ In other words, if the government interest is more important, than the Court will be more tolerant of means that are not necessarily the least restrictive. Additionally, lower courts have determined that partial solutions to visual blight are acceptable. The city has the authority to decide how restrictive community regulations must be in order to obtain the desired results.

Regulation of Non-Commercial Speech

In *Metromedia, Inc. V. City of San Diego*, (1981)¹² the High Court struck down the San Diego ordinance that highly restricted signs and distinguished between on-premise and off-premise signs in their zoning law. While the regulations permitted on-premise commercial signs such as business signs, they forbade all off-premise signs. This effectively banned signs with non-commercial



Courtesy benches and billboards are often found in the same vicinity.

messages, which normally are not located on property of their own. Non-commercial speech includes political, religious, social and other forms of expression and is entitled to a higher degree of protection by the courts. Other court discussions have noted the difficulty in distinguishing between non-commercial and commercial speech. In *Central Hudson* they state that commercial speech is "expression related solely to the commercial interests of the speaker and its audience."¹³ However, in *Bolger v. Youngs Drug Products Corp.*, (1983)¹⁴ the Court decided that a number of factors must be considered in defining commercial speech – consider the difficulty in categorizing a sign, which includes a non-commercial message as well as a commercial mes-

sage. *Metromedia* made it possible so that communities can ban all billboards (off-premise) signs which carry a commercial message, and the lower court decision in *National Advertising v. City of Orange* reinforced the idea that content regulation of non-commercial signs will not be accepted.

Amortization

Amortization is the process of permitting a non-conforming sign to remain standing for a designated period of time after a new sign regulation has been implemented. At the end of that time period the sign must either conform to the ordinance or be removed. Making amortization legal means finding the proper balance between public gain and private loss. According to the Fifth

Amendment to the Constitution, no items may be taken without due payment. Courts have upheld that a proper time amount must be given according to the income losses the billboard-company will lose. These calculations include the type of sign, its location, the impact of its removal to the owner's business, its cost, its salvage value, its fair-market value, and its remaining useful life. A billboard company must not be fully compensated; the courts do not often insist that the billboard companies be paid for their loss. Instead, courts ordinarily accept an amortization period between five and ten years as just compensation. Communities should consider a provision that would allow a variance from the strict amortization period if it would result in a substantial loss to its owner.

Conclusion of Legality Issues

Sign regulation brings forth many legal issues, technical and otherwise. The First Amendment protects signs for their potential as a free speech vehicle, and the Fifth Amendment protects their removal without just compensation. Courts have upheld sign regulations for safety and aesthetic reasons, but content neutral sign regulations always run less risk of litigation and rejection.

Other Communities in Minnesota

Within Minnesota, many cities and communities regulate signs, especially billboards. Each community ap-

proaches their restrictions in a different manner and with different sign terminology. Brooklyn Park, Burnsville, Coon Rapids, Eagan, and Hopkins constitute a sampling of cities with restrictive sign ordinances. In Saint Paul, three business communities have also designated themselves special sign districts, including Grand Avenue and Highland Village, which will be covered in the More Intensive Sign Regulation section.

Brooklyn Park¹⁵

Prohibits off premise advertising signs.

Burnsville¹⁶

Prohibits off-premise advertising signs.

Coon Rapids¹⁷

Prohibits above roof signs, signs attached to utility poles, signs painted directly on any exterior building surface, and overhanging signs.

Eagan¹⁸

Prohibits off-premise signs, signs with moving parts or lights, signs painted directly upon buildings, and roof signs. The signs must be similar when on the same building and they can not cover more than 20 percent of building side.

Hopkins¹⁹

Prohibits billboards within 100 feet of an on-premise sign or residential property.

During the Winter of 1997-1998 the

The Regulation of Billboards in St. Paul

City Council considered the impact of billboards and out of home media (collectively called advertising signs) in Saint Paul. On February 18, 1998 the Council adopted Council File 97-1568, which gave the District Councils the opportunity to designate themselves *Special Sign Districts* and created the *Legislative Advisory Committee on Advertising Signs*. Obtaining the designation of *Special Sign District* created a district-wide moratorium on the erection of new billboards until December 31, 1998. Seventeen out of the seven teen Saint Paul districts requested to be designated a Special Sign District, including the District Five Planning Council on May 29, 1998. The *Legislative Advisory Committee* was assigned the task of fashioning a city-wide policy towards billboards and out of home media to be reviewed by the Planning Commission and then brought before the City Council. Despite an objection filed against all special sign district applications with billboard moratoriums by Peter Coyle on the behalf of DeLite Outdoor Advertising, Inc. on June 4, 1998, the City Council opted to continue to allow the *special sign districts*.

Legislative Advisory Recommendations²⁰

In November of 1998, the Legislative Advisory Committee released its final

recommendations after lengthy discussion. The Legislative Advisory Committee recommended that no additional billboards be allowed in the City of Saint Paul. Under their recommendations, new billboards shall be permitted to replace present billboards at the rate of one square foot of billboard signage for every three square feet removed. The committee wishes to reduce the amount of billboards in residential sites first, and it gives each Planning Council the power to create a high-priority list for their district. As incentive for the billboard companies to remove those signs first, the sign replacement rate will be one square foot replaced for every two feet removed from these sites.

Billboards may sit along arterial streets with 1320 feet of continuous commercial or industrial zoning. However, billboards must sit at least 330 feet from churches, schools and residential zoning districts as well as from the property boundaries of parkways, parks and recreation centers.

The inventory of billboard signs and their location, re-established at the beginning of the City Council's review of billboards, shall continue to be confirmed, maintained, and updated by the city's office of License Inspection and Environmental Protection, also known as LIEP. LIEP will also hold



Courtesy benches are commercially provided resting spots for the weary pedestrian.

responsibility for the maintenance and condition of the billboards and their annual inspections. In addition, LIEP shall issue annual permits for each billboard and impose an annual permit fee, which pays for the cost of administration and inspection of the billboards.

The Committee does not believe that amortization is an option for Saint Paul due to issues of legality and lack of supporting information presented to the Committee. However, they recommend that the topic of Advertising Signs come under review five years after the City Council makes any changes to the current sign law, and they insist that the city should remove all illegal billboards.

The Legislative Advisory Committee also recommended changes for the law regarding courtesy benches. Courtesy benches are commercially provided public benches that contain paid advertisements. Courtesy benches

face opposition similar to that of billboards; they clutter the streetscape, but they are helpful to tired and weary pedestrians. Courtesy benches are currently not permitted within 150 feet of parks and parkways, and the committee advised the removal of this law. A public bench or a non-advertising bench may supercede a courtesy bench, and LIEP should hold responsibility for courtesy benches. Additionally, special sign districts, historic preservation districts, and the Parks and Recreation Department should review for approval or removal of courtesy benches and transit shelters.

Local Opinion

City Council will review the Legislative Advisory Committee's recommendations at the beginning of 1999 after the Planning Commission has reviewed the plans. The Saint Anthony Park Planning Council (District 12) has requested

to become a permanent Special Sign District. (See Appendix.) In their amendment to the City of Saint Paul ordinance, the District asks to have a permanent moratorium on the erection of new advertising signs. In addition, the district calls for the amortization of non-conforming advertising signs over a ten-year period following its approval by the City Council. The City Council will review the Saint Anthony request in the beginning of 1999.

In the Payne-Phalen neighborhood residents gave varying responses to an inquiry on their thoughts about billboards. Here is a sampling of responses: "I like the community billboard on the police station." "Billboards don't seem to make much of a difference." "I haven't really noticed them." "I don't want billboards removed, but I don't want any more." "I really don't like billboards- I especially don't like all those tobacco advertisements outside small stores." "Billboards are okay on main streets, just not in the residential." "I haven't noticed them, except that one on the police station. I think they're fine." "I think we could do without them."

In addition to having input from the community, the support of the business community is essential to the success of designating a special sign district in the city council. Many businesses and commercial-building owners receive income from billboards atop their location. At one location Naegle

pays 500 dollars for one on roof, bulletin billboard each year. In addition the company provided and installed a light directed on a flag, painted a wall sign, and completed roof-work. Nonetheless, the billboard structure has led to roof damage and the roof now sometimes leaks.

Local Options

Communities may regulate signs on state highways such as Arcade in the Payne-Phalen neighborhood, but they may not amortize them without monetary compensation. Many state highways located in cities will soon be over-turned to county and city governments. For example, Rice and Arcade Street will convert into county roads by 1999 and 2008, respectively.

Many community design plans and projects would greatly increase their value if they also included the discussion of billboard regulation. The comprehensive Main Street project of the ESND (East Side Neighborhood Development Corp) uses Main Street of Hopkins, Minnesota as their design model. Main Street has no billboards atop its buildings and a sign ordinance in order to insure that. Although the Main Street Project on Payne Avenue does not explicitly mention billboards, it would have a greater chance for success by also initiating a discussion of billboards in its design aspect. Billboards block and interfere



Billboards can overshadow business signs and advertising.

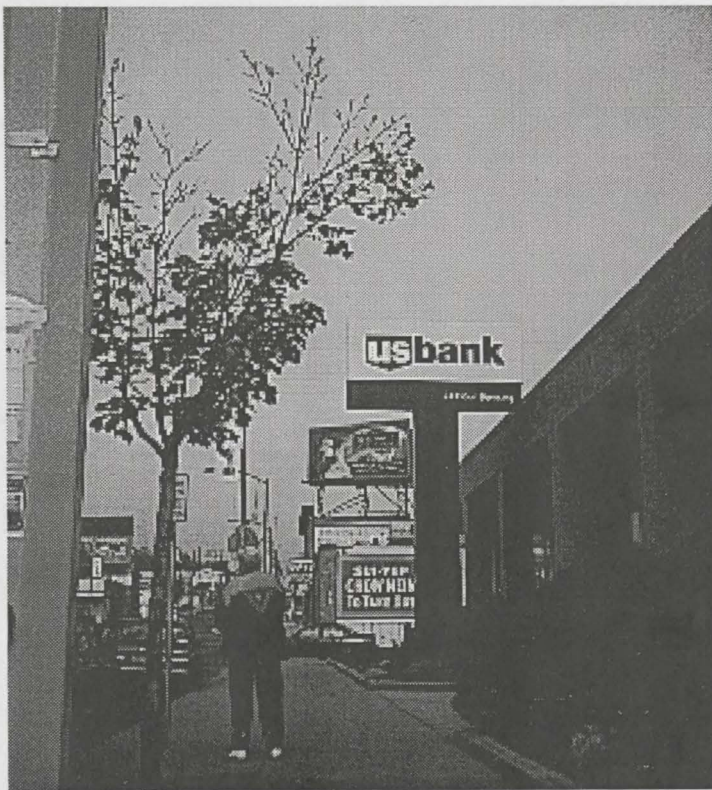
with the effectiveness of local business signs and most often contain advertisements for non-local interests. In addition, community members often mention "the small town feel" of Payne Avenue as one of its greatest attributes. Large billboards detract from the small town feeling and appeal of a local shopping district.

Three options for communities considering billboards have ultimately emerged: to allow the presence and erection of billboards; to allow present billboards to remain, but prohibit the erection of new billboards; or to amortize present billboards on city roads and prohibit new construction. The most difficult aspect of writing any ordinance is deciding upon terminology. Those communities with ordinances, which specifically define billboards, may use that terminology. In Saint Paul, the city ordinance does not specifically define "billboard." Instead, the most

obvious alternative definitions for billboard are *roof sign*, *wall sign*, *freestanding sign* or *advertising sign*. The most noticeable billboards are large and located on the roof or the wall of a building or are freestanding pole signs.

Roof sign

A roof sign is "a sign erected upon or above a roof or parapet of a building or structure." (Saint Paul Zoning Code 66.120. R.) This definition includes non-advertising, advertising, and business signs located on a roof as well as billboards. In the Payne-Phalen neighborhood, and other communities, businesses use roof signs to draw attention from potential consumers. In addition, the category "roof sign" does not include smaller billboards normally located on walls.



A pole sign, a billboard, and a wall sign adorn this streetscape.

Wall sign

Wall sign refers to "a sign attached to or erected against the wall of a building or structure, with the exposed face of a sign in a place substantially parallel to the plane of said wall." (Saint Paul Zoning Code 66.125. W.) Again this definition makes no distinction between advertising, non-advertising, and business signs. In addition, painted advertising and non-advertising wall signs (murals) could also be included in this definition. This definition also includes the *Aladdin* mural on Payne and Jessamine Avenue and the *Sui-Yep Chow Mein* advertisement on Payne and Jenks Avenue.

Freestanding sign

A freestanding sign "is mounted into the ground or supported by one or more

upright poles, columns, or braces placed in or on the ground and not attached to any building." (Saint Paul Zoning Code, 66.108. F.) Two notoriously unkept freestanding billboards owned by Midwest are located on Payne and Sims Avenue. Four freestanding signs are also located over the Ramsey County Regional Trail on Payne Avenue. Similar to the use of roof signs, freestanding signs can include non-advertising, advertising, and business messages. Many businesses use freestanding signs in front of their business; for example the *Video Update* located on Payne and Cook Avenue on the East Side or the *US Bank* on Payne and Jenks Avenue.

Advertising sign

A more inclusive and refined definition of a billboard is an "advertising sign." An advertising sign directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured elsewhere than on the premise upon which the sign is placed. It shall be considered as a non-accessory sign. (Saint Paul Zoning Code, 66.103. A.) Any item, which a business sells, may advertise on their premises. This allows for signs such as the *Lite Beer* projecting sign on the corner bar of Payne and Minnehaha Avenue or the projecting *RC cola* sign on Linda's Cafe on Payne and Sims Avenue. A single noted exception to this is the *Pepsi* sign adjacent to Ward's Upholstery on Arcade Street, assuming that the store does not sell refreshments.

Writing a sign ordinance

Currently, each Saint Paul District Council has the opportunity to submit a plan for a special sign district. This plan will be submitted to the City Council and copies should be sent specifically to the community's council-person, Larry Sodderholm in the Planning Department, and Dan Bostrom, the Council Chair. The plan will then be reviewed by the Planning Commission, given a public hearing, and then be voted upon by the City Council after an additional public hearing. Although having an attorney draft the proposal is

More Intensive Sign Regulation Options

helpful, the City also has an attorney who is able to review the sign ordinance.

More Intensive Sign Regulation Options

Communities may also choose to enact stricter sign regulation than that enacted to rid a community of billboards. Each individual person has a unique aesthetic standard for a design landscape. Regulating signage in a neighborhood or commercial district achieves a portion of aesthetic improvements. Sign regulation is most effective before a growth period, since then those businesses that expand in the growth period will conform to a standard and need not change their signage later, when it may be more expensive. Some communities opt to coordinate signs by color, size, or shape while others choose to regulate certain types of signs. Each individual community or commercial district must decide for itself the image it would like to portray and regulate signs accordingly. Community support is vital for the fruition of any prosperous commercial district and its regulations.

Saint Paul

In Saint Paul, several business communities have set regulations of their signage. These include Grand Avenue, Highland Village, and Smith Avenue. Grand Avenue and Highland Village



Clearly marked and attractive signs attract business.

have gained recognition for their amendments to the Saint Paul ordinance which designate them as special sign districts.

Grand Avenue designated itself a special sign district in 1983 as recommended by the Grand Avenue West Task Force and the Grand Avenue East Task Force. The Grand Avenue plan is the strictest in the city and includes everything from font size to sign spacing and size to color scheme. "It is intended to reduce the clutter and chaotic diversity of signage that impairs the effectiveness of signs identifying businesses, to provide design standards for signs to increase their legibility and impact, and to create a more desirable and memorable image for Grand Avenue."²¹ Grand Avenue wanted to build upon the original character of the dis-

trict. The ordinance called for the prohibition of new advertising signs and business signs that include product advertisements. Wall signs may not cover windows and architectural details, and signs must not exceed a height of 20 feet. Sign letters are restricted to 12 inches in height and the ordinance suggests light letters on a dark background. The ordinance further restricts ground signs to parallel to the avenue and projecting and pole signs in size and spacing.²²

Highland Village implemented a special sign district in 1985. "The sign plan provides a framework for signs so that the Village will have a consistent sign system, signs will fit in with the architecture of buildings, businesses are clearly and concisely identified, the image of the Village is made



A combination of sign genres can produce an impressive entrance for customers more memorable, and the pride businesses have for the area is enhanced.”²³

The plan does not permit advertising signs and calls for their amortization within in ten years of its adoption, citing aesthetic and traffic safety reasons. In 1998 advertising signs still remain in the district. The plan details the size and position of a wide range of business signs from signs on businesses with canopies to window signs. No more than ten percent of the surface area of business signs permitted on a lot shall be product signs and in general, the plan recommends that these signs be avoided. The plan makes no allowances for portable signs or roof signs, which are not adjacent to the building’s wall. The ordinance advises that no more than 40 percent of the total area of the sign be words and symbols and suggests light letters on a dark background and minimal colors. Highland Village allows for the continued existence of le-

gal non-conforming business signs.

Recommendations for District Five²⁴

After reviewing several different options of sign regulation, a community will select the option most appropriate for their neighborhood. In District Five, any sign regulation should demonstrate the unique character of the Payne-Phalen area. Community members cite Payne Avenue’s small town atmosphere and historic background as some of its most profound characteristics. The business signs of Payne Avenue and Arcade Street reflect this statement.

Historic signs line the avenues and beckon traffic out of their cars and on to the sidewalks. Signs such as on Payne Liquor or the Schwietz Bar would be expensive to re-create and are priceless in their added appeal to the Avenue. Awnings seen on Borgstrom Pharmacy, Eat N’ Shop Deli, Linda’s

Cafe, Dale’s Antiques, BJ & M Plumbing and Heating or even on the Payne Avenue Body Shop brighten the street and hint at a small, pedestrian family town. The unique sign seen on Portage Footwear, Inc. adds interest and color to the streetscape, and the clean and clear white on black business signs of Lily’s Vietnamese Restaurant and Louie’s Bar fit in nicely with the architecturally decorative exterior. Several Antique buildings along the Avenue also speak highly of the business district. The Golden letters set upon a dark background of the Antique Mart, Antique Lane, and Furniture Minnesota reflect the potential prosperity of the neighborhood. A mural on Yarusso’s and the painted wall signs on Antique Lane add color and interest to the Avenue. Acme Tattoo, Co.’s bright neon signs light up the night and their overhanging sign reflects the historic aspect of the neighborhood. In other words, the commercial districts contain excellent samples of sign use in an architecturally fitting and atmosphere-producing manner. The Payne-Phalen Neighborhood offers many buildings and commercial signs of architectural and artistic interest.

Although many businesses have voluntarily improved the look of their properties, district wide standards allow all businesses to improve in a like manner. Regulation should emphasize the unique historic and small town nature of the Payne-Phalen commercial dis-

tricts while allowing for interest-arousing diversity. The following regulations have been approved in other communities and would work well in the Payne-Phalen business districts.

- No advertising signs shall be allowed.
- No roof signs shall be allowed, except to match rooflines and unify sign-bands or adjacent buildings.
- Projecting signs shall not be located below a wall sign if it will obstruct the view of the wall sign.
- Pole signs shall not have a height of over 20 feet and an area of 12 square feet for buildings set back over 35 feet back from the street. Only one pole shall be allowed per 40-foot lot.
- Window signs shall not exceed 30 percent of the window.
- Wall signs shall cover no more than two-thirds of total area available.
- Lettering on signs should cover no more than 40 percent of the sign.²⁵

Conclusion

Cities and smaller communities across the country have taken great pains to regulate the signs in their commercial and residential districts. Billboards, as the largest signs, are commonly thought to be the biggest nuisance. As a special sign district, District Five has the authority to stop the spread of billboards and advertising signs. Billboards detract from the effectiveness of business signs, clutter the streetscape, and domi-

nate the small scale locations, such as on Payne Avenue. Although, eradicating current billboards quickly would be ideal, their extinction is legally complicated. Billboards on Arcade Street can not be amortized until after the street has been converted from a state trunk highway. And a special sign district calling for amortization has a greater chance of being opposed in the Saint Paul City Council. The Payne-Pahlen neighborhood, then, would derive the most benefit from banning future construction of billboards and requiring damaged signs to be removed.

The Payne-Pahlen neighborhood would also benefit from the institution of a more comprehensive district-wide sign regulation. These guidelines would serve to reinforce the small scale, friendly feel, and well-being of the neighborhood. Easily read and well-maintained signs benefit the entire residential and commercial communities. The Payne-Phalen neighborhood contains many well-designed signs currently, and a sign ordinance would only serve to insure the further beautification of the neighborhood.

¹ Goetzman, Keith. "The Billboard Commandos." *Utne Reader*, Jan-Feb 1996.

2. www.oaaa.org

³ *Mediaweek*, September 16, 1996.

4. McMahon, Edward. "Litter on a

Stick." *Planning Commissioners Journal*, Winter 1998.

⁵ McMahon, Edward. "Litter on a Stick." *Planning Commissioners Journal*, Winter 1998.

6.453 U.S. 490, 101 S. Ct. 2882

7.447 U.S. 557, 553-556, 100 S. Ct. 2342

⁸ Kelly, Eric. *Sign Regulation for Small Communities*.

9.466 U.S. 789, 104 S. Ct. 2118

10.U.S. 109 S. Ct. 3028

¹¹ Kelly, Eric. *Sign Regulation for Small Communities*.

12.453 U.S. 490, 101 S. Ct. 2882

¹³ Kelly, Eric. *Sign Regulation for Small Communities*.

14.463 U.S. 60, 103, S. Ct. 2875

¹⁵ Ligman, Patt. *Billboard proposal would limit signs and space*. October 7, 1992.

¹⁶ City of Burnsville, Ordinance No. 366. Title 10, Chapter 30-8. 1990.

¹⁷ City of Coon Rapids Ordinance. Chapter 11-2100. 1997.

¹⁸ City of Eagan Ordinance. Section 4.20. 1983.

¹⁹ City of Hopkins City Code (Zoning). Section 570.59. 1998.

²⁰ *Legislative Advisory Committee on Advertising Signs Recommendation on Billboards and Courtesy Benches*. City of Saint Paul. 1998.

²¹ Grand Avenue Report Number 4. Division of Planning, Department of Planning and Economic Development, City of Saint Paul.

²² Grand Avenue Report Number 4. Division of Planning, Department of Planning and Economic Development,

²³ Highland Village Special District Sign Plan. Division of Planning, Department of Planning and Economic Development, City of Saint Paul.

²⁴ Opinion of the author and does not necessarily reflect the opinion of District Five Planning Council, NPCR, or any other institution.

²⁵ Note: The word *shall* in an ordinance generally refers to something obligatory. The word *should* refers to a recommendation.

Neighborhood Planning for Community Revitalization (NPCR) supported the work of the author of this report but has not reviewed it for publication. The content is solely the responsibility of the author and is not necessarily endorsed by NPCR.

NPCR is coordinated by the Center for Urban and Regional Affairs at the University of Minnesota. NPCR is supported by grants from the US Department of Education Urban Community Service Program, The McKnight Foundation and The Minneapolis Foundation. St. Paul projects are funded in part by St. Paul Local Initiatives Support Corporation (LISC), The St. Paul, and St. Paul Companies.

NPCR

330 Hubert H. Humphrey Center
301 - 19th Avenue South
Minneapolis, MN 55455

phone: 612/625-1020

e-mail: npcr@freenet.msp.mn.us

website: <http://freenet.msp.mn.us/org/>

npcr

January 22, 1999

Crista Gardner
1600 Grand Avenue
Saint Paul, MN 55105
Cgardner@macalester.edu
651)645-5130

RECEIVED
JAN 25 1999
G.U.R.A.

Vanessa Steele
Neighborhood Partnership for Community Revitalization
330 Hubert H. Humphrey Center
301 Nineteenth Avenue South
Minneapolis, MN 55455

Dear Ms. Steele,

I just wanted to take this opportunity to thank NPCR for the opportunity to work with District Five Planning Council. Working gave me insight to the field of community organizing and introduced me to zoning codes, City Council operations, and block and youth club management. I found the work engaging and thought-provoking.

I have included in this packet a hard copy of my final paper in its entirety, which includes a cover page, an index, and an executive summary. I have also included a disk copy saved in Rich Text Format for the Macintosh or PC and Pagemaker for the Macintosh. However, the pictures included in the hard copy are not included in the disk copy due to the incredible amount of disk space that pictures need to occupy.

Thank you again for this great opportunity.

Sincerely,

Crista M Gardner
Crista M. Gardner

Enclosure